

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

<b>RICHARD PIOTROWSKI,</b>	:	<b>C.A. No. 06-631-SLR</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>TRIAL BY JURY OF TWELVE</b>
	:	<b>DEMANDED</b>
<b>MAO M. IAN and SUI MAI,</b>	:	
	:	
<b>Defendants/Third-Party Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>HANOVER INSURANCE COMPANY,</b>	:	
<b>ALLSTATE INSURANCE COMPANY,</b>	:	
	:	
<b>Third-Party Defendant.</b>	:	

**DEFENDANTS/THIRD PARTY PLAINTIFFS' MOTIONS TO DISMISS AND TO  
AMEND THE THIRD-PARTY COMPLAINT**

COMES NOW, Defendants/Third-Party Plaintiffs, by and through counsel, Chrissinger and Baumberger, and hereby motions to amend the Defendants' pleading by allowing the joinder of a third-party defendant to this action . In support of the preceding, Defendant asserts the following:

1. The motor vehicle accident under consideration occurred on or about November 4, 2004, allegedly resulting in injuries to the Plaintiff. Plaintiff filed a complaint on or about October 10, 2006, alleging that Defendant's supposed negligence led to the Plaintiff's injuries.
2. However, the Defendant's actions regarding the incident in question were a direct result of a third party's negligent actions. (See Defendant's Third-Party Complaint, attached hereto as Exhibit "A").
3. Because the accident was caused by an unknown driver who forced Defendants into Plaintiff's vehicle, Plaintiff's insurance company stands in the shoes of the unknown driver.

(See Exhibit “A”). Defendant/Third-Party Plaintiff’s Third-Party Complaint against Allstate is attached as Exhibit “B”.

4. Because the police report incorrectly identified Hanover Insurance Company as Plaintiff’s insurance provider, Defendants mistakenly filed the Third-Party Complaint against Hanover. (See police report attached hereto as Exhibit “C”).

5. On December 27, 2006, Third-Party Defendant notified Defendant/Third-Party Plaintiff of the mistake in the police report, noting that Allstate Insurance Company was Plaintiff’s insurance provider. (See Dec. 27, 2006 Letter attached hereto as Exhibit “D”).

6. Defendant requests the Court allow the addition of Allstate Insurance Company as a third-party defendant, pursuant to Del. Super. Civ. R. 14(a). Allstate may be liable as the sole tort-feasor or contributor for all or part of the Plaintiff’s claim against the Defendant. *McMichael v. Delaware Coach Company*, 107 A.2d 895 (Del. 1954). See also *Ingerman v. Bonder*, 77 A.2d 591 (Del. 1950).

7. The permissive joinder of Allstate Insurance Company to this claim would provide judicial economy, avoiding the multiplicity of suits. *Novak v. Tigani*, 110 A.2d 298 (Del. 1954).

8. Superior Court Civil Rule 15(a) states that a party may amend a pleading, after a responsive pleading has been filed, by leave of the Court. Said leave shall be freely given when justice so requires. *Del. Super. Civ. R. 15(a)*. This amendment to the Defendant’s pleadings is legally viable under Del. Super. Civ. R. 15(c), and arises out of the same transaction as the original pleading. *Dickens v. Costello*, WL 1463106 (Del. Super. 2002). See also *Mullen v. Alarmguard of Delmarva*, 625 A.2d 258 (Del. 1993). Amendments to pleadings pursuant to Del. Super. Civ. R. 15 are to be freely allowed in the absence of prejudice to the opposing party, as is the case in this matter. *Chrysler Corp v. New Castle County*, 464 A.2d 75 (Del. Super. Ct. 1983). Even if some prejudice to the adverse party is found, that prejudice must be weighed against the

hardship to the moving party if he is denied leave to amend. *Paul v. Chromalytics Corp.*, 343 A.2d 622 (Del. Super. 1975).

**WHEREFORE**, Defendants Mao M. Ian and Sui Mai respectfully request that this Court enter an Order granting Defendants' Motions to Dismiss Hanover Insurance Company and Amend the Third-Party Complaint.

**CHRISSINGER & BAUMBERGER**

/s/David L. Baumberger

**DAVID L. BAUMBERGER**

Bar I.D. #2420

Three Mill Road, Suite 301

Wilmington, DE 19806

(302) 777-0100

Attorney for Defendant/Third-Party Plaintiffs

Dated: April 24, 2007

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

<b>RICHARD PIOTROWSKI,</b>	:	<b>C.A. No. 06-631-SLR</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>TRIAL BY JURY OF TWELVE</b>
	:	<b>DEMANDED</b>
<b>MAO M. IAN and SUI MAI,</b>	:	
	:	
<b>Defendants/Third-Party Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<del><b>HANOVER INSURANCE COMPANY,</b></del>	:	
<b>ALLSTATE INSURANCE COMPANY,</b>	:	
	:	
<b>Third-Party Defendant.</b>	:	

**ORDER**

IT IS HEREBY ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, that Defendants/Third-Party Plaintiffs' Motions to Dismiss Hanover Insurance Company and to amend the Third-Party Complaint by adding Allstate Insurance Company as a Third-Party Defendant are hereby GRANTED.

\_\_\_\_\_  
J.

**CERTIFICATE OF MAILING**

I, DAVID L. BAUMBERGER, hereby certify that on this 24<sup>th</sup> day of April, 2007 I have had electronically e-filed on LexisNexis Defendants/Third-Party Plaintiffs' Motions to Dismiss Hanover Insurance Company and to Amend the Third-Party Complaint to be served on the following:

James P. Hall  
Phillips, Goldman & Spence  
1200 North Broom Street  
Wilmington, DE 19806

**BY U.S. MAIL**

Hanover Insurance Company  
Legal Department  
440 Lincoln Street  
Worcester, MA 01653

Allstate Insurance Company  
5325 Nottingham Drive, Suite E  
Baltimore, MD 21236

**CHRISSINGER & BAUMBERGER**

**/s/ David L. Baumberger**

**DAVID L. BAUMBERGER**

Bar I.D. #2420

Three Mill Road, Suite 301

Wilmington, DE 19806

(302) 777-0100

Attorney for Defendant/Third-Party Plaintiffs

# EXHIBIT A

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

RICHARD PIOTROWSKI,	:	C.A. No. 06-631
	:	
Plaintiff,	:	
	:	
v.	:	TRIAL BY JURY OF TWELVE
	:	DEMANDED
MAO M. IAN and SUI MAI,	:	
	:	
Defendants/Third-Party Plaintiffs,	:	
	:	
v.	:	
	:	
HANOVER INSURANCE COMPANY,	:	
	:	
Third-Party Defendant.	:	

**DEFENDANTS/THIRD PARTY PLAINTIFFS' ANSWER**  
**TO COMPLAINT WITH THIRD-PARTY COMPLAINT**

1. Admitted.
2. Answering Defendants are without sufficient knowledge to affirm or deny the averments of this paragraph.
3. Admitted.
4. It is admitted only that a collision occurred between the vehicles.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.

11. Denied.

**COUNT I**

**RICHARD PIOTROWSKI v. MAO M. IAN**

12. Answering defendants incorporate herein by reference their responses to paragraphs 1 through 11.

13. Denied.

14. Denied.

**COUNT II**

**RICHARD PIOTROWSKI V. SUI MAI**

15. Answering defendants incorporate herein by reference their responses to paragraphs 1 through 14.

16. Denied.

17. Denied.

**WHEREFORE**, Answering Defendants demand judgment in their favor and dismissal of plaintiff's complaint with costs of this action assessed against the plaintiff.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEENSE**

18. Service of process if incomplete and improper.

**SECOND AFFIRMATIVE DEFENSE**

19. The claims asserted by plaintiff were proximately caused by an intervening and/or superseding cause.

**THIRD AFFIRMATIVE DEFENSE**

20. The accident was unavoidable.

**FOURTH AFFIRMATIVE DEFENSE**



21. The accident was caused by a sudden emergency not of the answering defendants' making.

**FIFTH AFFIRMATIVE DEFENSE**

22. The complaint fails to join an indispensable party.

**SIXTH AFFIRMATIVE DEFENSE**

23. The injuries alleged preexisted the incident alleged in plaintiff's complaint or are otherwise not related to the alleged incident.

**SEVENTH AFFIRMATIVE DEFENSE**

24. Answering defendants deny any liability whatsoever. If found liable, however, the answering defendants contend that the accident and any resulting injuries were proximately caused by the negligence of the plaintiff in that he:

- a. failed to maintain a proper lookout;
- b. failed to maintain proper control of his vehicle;
- c. was otherwise negligent.

To the extent that the negligence of the plaintiff is greater than the negligence of the answering defendants, recovery is barred. Otherwise, any award in favor of the plaintiff must be reduced by his pro rata share of liability.

**WHEREFORE**, Answering Defendants demand judgment in their favor and dismissal of plaintiff's complaint with costs of this action assessed against the plaintiff.

**THIRD-PARTY COMPLAINT**

Defendant/Third Party Plaintiffs Ian M. Mao and Sui Mai, aver as follows:

1. Defendant Third Party Plaintiffs have been sued by Plaintiff Richard Piotrowski. A copy of the Original Complaint is attached hereto as Exhibit A.

2. Service can be made on Hanover Insurance Company through the Delaware Insurance Commissioner to 440 Lincoln Street, Worcester, MA 01653

3. Hanover Insurance Company contracted with Plaintiff Richard Piotrowski to provide automobile insurance to Plaintiff for motor vehicle coverage including, pursuant to the Pennsylvania Statutory Law, uninsured motorist coverage.

4. Defendant/Third Party Plaintiff, has denied liability to the Plaintiff for the matters alleged in the Plaintiff's Complaint, attached hereto as Exhibit A. However, Third Party Plaintiffs assert that if held responsible to the Plaintiff for any and sums whatsoever arising from the accident alleged in Exhibit A, then Third Party Plaintiff is entitled to indemnification and/or contribution from the Third Party Defendant.

5. Third Party Plaintiffs assert that they are entitled to indemnification and /or contribution from Hanover Insurance Company, as Hanover stands in the shoes of a phantom vehicle and its operator that was the proximate cause of the alleged accident and injuries in the Original Complaint.

6. Third Party Defendant, by and through Hanover Insurance Company, is entitled to indemnity and contribution for the negligence of the unknown phantom vehicle that pulled into the path of the Defendant/Third Party Plaintiff on US. Route 13 on or about November 4, 2004. The unknown phantom vehicle's operator was negligent in that he/she failed to keep control of the vehicle, failed to yield to oncoming traffic with the right of way, failed to remain stopped while entering a highway until it was safe to do so, and otherwise was careless and negligent in a manner proximately causing the accident alleged in the Original Complaint of the Plaintiff.

7. As a result of the negligence of the phantom vehicle's operator, Defendant/Third Party Plaintiff swerved to avoid the vehicle, and as a result contacted the vehicle of the Plaintiff. As a

result, Third Party Plaintiff has been caused to appear and answer for the allegations contained in the Original Complaint.

**WHEREFORE**, to the extent the Defendants/Third Party Plaintiffs are found liable for any amount of damages to the Plaintiff, then Third Party Plaintiff is entitled to indemnity and/or contribution for any and all such amounts, plus costs and expenses associated and incurred as a result of defending this claim.

CHRISSINGER & BAUMBERGER

/s/David L. Baumberger

DAVID L. BAUMBERGER

Attorney I.D. No. 2420

Three Mill Road, Suite 301

Wilmington, DE 19806

(302) 777-0100

Attorney for Defendants/Third-Party Plaintiffs

DATED: December 11, 2006

**CERTIFICATE OF SERVICE**

I, **DAVID L. BAUMBERGER, ESQUIRE**, hereby certify that on this 5<sup>th</sup> day of December, 2006, I have had served electronically a true and correct copy of the attached ***DEFENDANTS/THIRD PARTY PLAINTIFFS' ANSWER TO COMPLAINT AND THIRD-PARTY COMPLAINT*** to the following:

Nicholas J. Renzi, Esquire  
Stampone D'Angelo Renzi DiPiero  
500 Cottman Avenue  
Cheltenham, PA 19012

**CHRISSINGER & BAUMBERGER**

/s/David L. Baumberger  
DAVID L. BAUMBERGER  
Attorney I.D. No. 2420  
Three Mill Road, Suite 301  
Wilmington, DE 19806  
(302)777-0100  
Attorney for Defendants/Third-Party Plaintiffs

## Answers to Complaints

1:06-cv-00631-SLR Piotrowski v. Ian et al

**U.S. District Court**

**District of Delaware**

### Notice of Electronic Filing

The following transaction was entered by Baumberger, David on 12/11/2006 at 2:51 PM EST and filed on 12/11/2006

**Case Name:** Piotrowski v. Ian et al

**Case Number:** 1:06-cv-631

**Filer:** Mao M. Ian  
Sui Mai

**Document Number:** 7

#### Docket Text:

ANSWER to Complaint with Twelve, THIRD PARTY COMPLAINT against Hanover Insurance Company by Mao M. Ian, Sui Mai.(Baumberger, David)

**1:06-cv-631 Notice has been electronically mailed to:**

James P. Hall tlb@pgslaw.com

**1:06-cv-631 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

#### Electronic document Stamp:

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# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

<b>RICHARD PIOTROWSKI,</b>	:	<b>C.A. No. 06-631-SLR</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>TRIAL BY JURY OF TWELVE</b>
	:	<b>DEMANDED</b>
<b>MAO M. IAN and SUI MAI,</b>	:	
	:	
<b>Defendants/Third-Party</b>	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>ALLSTATE INSURANCE COMPANY,</b>	:	
	:	
<b>Third-Party Defendant.</b>	:	

**DEFENDANTS/ THIRD PARTY PLAINTIFFS' COMPLAINT**

Defendant/Third Party Plaintiffs Ian M. Mao and Sui Mai, aver as follows:

1. Defendant Third Party Plaintiffs have been sued by Plaintiff Richard Piotrowski. A copy of the Original Complaint is attached hereto as Exhibit A.
2. Service can be made on Allstate Insurance Company at 5325 Nottingham Drive, Suite E, Baltimore, MD 21236.
3. Allstate Insurance Company contracted with Plaintiff Richard Piotrowski to provide automobile insurance to Plaintiff for motor vehicle coverage including, pursuant to the Pennsylvania Statutory Law, uninsured motorist coverage.
4. Defendant/Third Party Plaintiff, has denied liability to the Plaintiff for the matters alleged in the Plaintiff's Complaint, attached hereto as Exhibit A. However, Third Party Plaintiffs assert that if held responsible to the Plaintiff for any and sums whatsoever arising from the accident alleged in Exhibit A, then Third Party Plaintiff is entitled to indemnification and/or contribution from the Third Party Defendant.

5. Third Party Plaintiffs assert that they are entitled to indemnification and /or contribution from Allstate Insurance Company, as Allstate stands in the shoes of a phantom vehicle and its operator that was the proximate cause of the alleged accident and injuries in the Original Complaint.

6. Third Party Defendant, by and through Allstate Insurance Company, is entitled to indemnity and contribution for the negligence of the unknown phantom vehicle that pulled into the path of the Defendant/Third Party Plaintiff on US. Route 13 on or about November 4, 2004. The unknown phantom vehicle's operator was negligent in that he/she failed to keep control of the vehicle, failed to yield to oncoming traffic with the right of way, failed to remain stopped while entering a highway until it was safe to do so, and otherwise was careless and negligent in a manner proximately causing the accident alleged in the Original Complaint of the Plaintiff.

7. As a result of the negligence of the phantom vehicle's operator, Defendant/Third Party Plaintiff swerved to avoid the vehicle, and as a result contacted the vehicle of the Plaintiff. As a result, Third Party Plaintiff has been caused to appear and answer for the allegations contained in the Original Complaint.

**WHEREFORE**, to the extent the Defendants/Third Party Plaintiffs are found liable for any amount of damages to the Plaintiff, then Third Party Plaintiff is entitled to indemnity and/or contribution for any and all such amounts, plus costs and expenses associated and incurred as a result of defending this claim.

CHRISSINGER & BAUMBERGER

/s/David L. Baumberger

DAVID L. BAUMBERGER

Attorney I.D. No. 2420

Three Mill Road, Suite 301

Wilmington, DE 19806

(302) 777-0100

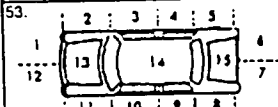
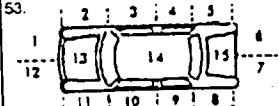
Attorney for Defendants/Third-Party Plaintiffs

DATED: April 24, 2007



# **EXHIBIT C**

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3. MON. - DATE - YEAR	4. DAY	5. TIME OCCURRED	6. NOTIFIED	7. ARRIVED	8. GRID NO.	9. SECTOR	12. LIGHT CONDITION <input type="checkbox"/>		
11/04/04	TH	1738			1		13. WEATHER CONDITION <input type="checkbox"/>		
10. NUMBER & NAME OF STREET OR HIGHWAY - CTY. RTE. NO. - INTERSECTING WITH STREET OR ROAD - CTY. RTE. NO.							14. SURFACE CONDITION <input type="checkbox"/>		
RT 13 NB S. Dupont Hwy CR#38							15. TRAFFIC CONTROL <input type="checkbox"/>		
11. NON-INTSECT. 237 MILES NE OF: RT 273 Frenchtown Rd CR#55							17. MECH. DEFECT <input type="checkbox"/>		
16. PRIM. CONTRIB. CIRCUM.		8. SPEED TOO FAST		11. DISREGARD TRAFFIC SIGNAL		14. FOLLOWING TOO CLOSE		17. MECH. DEFECT	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
17. COLLISION INVOLVED <input type="checkbox"/>		18. ON RDWY. <input type="checkbox"/>		19. EMERG. RESPON. <input type="checkbox"/>		20. MILES <input type="checkbox"/>		21. CITY	
								22. CODE	
								23. MILE POINT	
24. NAME NO. 1		25. STREET ADDRESS		26. CITY		27. STATE		28. ZIP	
Piotrowski Richard		28 Cannon Rd		Newark		DE		19702	
26. CITY		27. STATE		28. ZIP		29. PHONE		30. DRIVERS LICENSE NO.	
Red Bank		PA		19078		610-383-1405			
30. DRIVERS LICENSE NO.		31. STATE		32. DOB		33. AGE		34. SEX	
		DE				31		M F	
35. SOBRIETY		36. TESTED		37. TYPE		38. VEHICLE YR.		39. VEHICLE MAKE	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		2004		Ford	
38. VEHICLE YR.		39. VEHICLE MAKE		40. MODEL		41. BODY STYLE		42. REGISTRATION NO.	
2004		Ford		F150		1994		DE	
42. REGISTRATION NO.		43. STATE		44. COLOR		45. DAMAGE		46. TRAILERS	
C84470		DE		S 200		0 1 2 3		0 1 2 3	
47. VEHICLE TRACTOR OWNER: LAST		48. STREET		49. INSURANCE COMPANY		50. CHARGE/SECTION NO.		51. ARREST NO.	
		48. STREET		Liberty Mutual		A02 238 009386101			
52. NO. 1 TOWED BY:		53. NO. 2 TOWED BY:		54. NO. 3 TOWED BY:		55. NO. 4 TOWED BY:		56. NO. 5 TOWED BY:	
57. COLLISION INVOLVED		58. SOBRIETY		59. NOT DRINKING		60. HBD NOT IMPAIRED		61. UNDER THE INFLUEN	
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62. MV IN TRANSPORT		63. NON-COL OVERTUR		64. MV ON OTHER RDWY		65. PEDESTRIAN		66. PARKED VEHICLE	
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67. RAILROAD TRAIN		68. PEDALCYCLIST		69. ANIMAL		70. FIXED OBJECT		71. OTHER OBJECT	
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72. OTHER NON-COLLIS		73. BODY STYLE		74. PASSENGER CAR		75. PICK-UP TRUCK		76. VAN/PANEL TRUCK	
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77. FARM VEHICLE		78. MOTORCYCLE		79. BUS		80. SCHOOL BUS		81. 6 WHEEL TRUCK	
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82. 10 WHEEL TRUCK		83. TRACT. & SEMI. TR.		84. STOP SIGN		85. STOP & GO LIGHT		86. YIELD SIGN	
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92. YIELD SIGN		93. WARNING SIGN		94. LANE MARKINGS		95. FLASHING SIGNAL		96. STOP SIGN	
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97. STOP & GO LIGHT		98. YIELD SIGN		99. WARNING SIGN		100. LANE MARKINGS		101. FLASHING SIGNAL	
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187. STOP & GO LIGHT		188. YIELD SIGN		189. WARNING SIGN		190. LANE MARKINGS		191. FLASHING SIGNAL	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
192. STOP SIGN		193. STOP & GO LIGHT		194. YIELD SIGN		195. WARNING SIGN		196. LANE MARKINGS	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
197. FLASHING SIGNAL		198. STOP SIGN		199. STOP & GO LIGHT		200. YIELD SIGN		201. WARNING SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
202. LANE MARKINGS		203. FLASHING SIGNAL		204. STOP SIGN		205. STOP & GO LIGHT		206. YIELD SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
207. WARNING SIGN		208. LANE MARKINGS		209. FLASHING SIGNAL		210. STOP SIGN		211. STOP & GO LIGHT	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
212. YIELD SIGN		213. WARNING SIGN		214. LANE MARKINGS		215. FLASHING SIGNAL		216. STOP SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
217. STOP & GO LIGHT		218. YIELD SIGN		219. WARNING SIGN		220. LANE MARKINGS		221. FLASHING SIGNAL	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
222. STOP SIGN		223. STOP & GO LIGHT		224. YIELD SIGN		225. WARNING SIGN		226. LANE MARKINGS	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
227. FLASHING SIGNAL		228. STOP SIGN		229. STOP & GO LIGHT		230. YIELD SIGN		231. WARNING SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
232. LANE MARKINGS		233. FLASHING SIGNAL		234. STOP SIGN		235. STOP & GO LIGHT		236. YIELD SIGN	
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237. WARNING SIGN		238. LANE MARKINGS		239. FLASHING SIGNAL		240. STOP SIGN		241. STOP & GO LIGHT	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
242. YIELD SIGN		243. WARNING SIGN		244. LANE MARKINGS		245. FLASHING SIGNAL		246. STOP SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
247. STOP & GO LIGHT		248. YIELD SIGN		249. WARNING SIGN		250. LANE MARKINGS		251. FLASHING SIGNAL	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
252. STOP SIGN		253. STOP & GO LIGHT		254. YIELD SIGN		255. WARNING SIGN		256. LANE MARKINGS	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
257. FLASHING SIGNAL		258. STOP SIGN		259. STOP & GO LIGHT		260. YIELD SIGN		261. WARNING SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
262. LANE MARKINGS		263. FLASHING SIGNAL		264. STOP SIGN		265. STOP & GO LIGHT		266. YIELD SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
267. WARNING SIGN		268. LANE MARKINGS		269. FLASHING SIGNAL		270. STOP SIGN		271. STOP & GO LIGHT	
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272. YIELD SIGN		273. WARNING SIGN		274. LANE MARKINGS		275. FLASHING SIGNAL		276. STOP SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
277. STOP & GO LIGHT		278. YIELD SIGN		279. WARNING SIGN		280. LANE MARKINGS		281. FLASHING SIGNAL	
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282. STOP SIGN		283. STOP & GO LIGHT		284. YIELD SIGN		285. WARNING SIGN		286. LANE MARKINGS	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
287. FLASHING SIGNAL		288. STOP SIGN		289. STOP & GO LIGHT		290. YIELD SIGN		291. WARNING SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
292. LANE MARKINGS		293. FLASHING SIGNAL		294. STOP SIGN		295. STOP & GO LIGHT		296. YIELD SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
297. WARNING SIGN		298. LANE MARKINGS		299. FLASHING SIGNAL		300. STOP SIGN		301. STOP & GO LIGHT	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
302. YIELD SIGN		303. WARNING SIGN		304. LANE MARKINGS		305. FLASHING SIGNAL		306. STOP SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
307. STOP & GO LIGHT		308. YIELD SIGN		309. WARNING SIGN		310. LANE MARKINGS		311. FLASHING SIGNAL	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
312. STOP SIGN		313. STOP & GO LIGHT		314. YIELD SIGN		315. WARNING SIGN		316. LANE MARKINGS	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
317. FLASHING SIGNAL		318. STOP SIGN		319. STOP & GO LIGHT		320. YIELD SIGN		321. WARNING SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
322. LANE MARKINGS		323. FLASHING SIGNAL		324. STOP SIGN		325. STOP & GO LIGHT		326. YIELD SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
327. WARNING SIGN		328. LANE MARKINGS		329. FLASHING SIGNAL		330. STOP SIGN		331. STOP & GO LIGHT	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
332. YIELD SIGN		333. WARNING SIGN		334. LANE MARKINGS		335. FLASHING SIGNAL		336. STOP SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
337. STOP & GO LIGHT		338. YIELD SIGN		339. WARNING SIGN		340. LANE MARKINGS		341. FLASHING SIGNAL	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
342. STOP SIGN		343. STOP & GO LIGHT		344. YIELD SIGN		345. WARNING SIGN		346. LANE MARKINGS	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
347. FLASHING SIGNAL		348. STOP SIGN		349. STOP & GO LIGHT		350. YIELD SIGN		351. WARNING SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
352. LANE MARKINGS		353. FLASHING SIGNAL		354. STOP SIGN		355. STOP & GO LIGHT		356. YIELD SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
357. WARNING SIGN		358. LANE MARKINGS		359. FLASHING SIGNAL		360. STOP SIGN		361. STOP & GO LIGHT	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
362. YIELD SIGN		363. WARNING SIGN		364. LANE MARKINGS		365. FLASHING SIGNAL		366. STOP SIGN	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
367. STOP & GO LIGHT		368. YIELD SIGN		369. WARNING SIGN		370. LANE MARKINGS		371. FLASHING SIGNAL	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
372. STOP SIGN		373. STOP & GO							

24. NAME NO. 3												25. STREET ADDRESS																																																											
26. CITY												27. STATE												28. ZIP												29. PHONE																																			
30. DRIVERS LICENSE NO.												31. STATE												32. DOB												33. AGE												34. SEX M F																							
35. SOBRIETY <input type="checkbox"/>												36. TESTED <input type="checkbox"/>												37. TYPE <input type="checkbox"/>												TEST NUMBER																																			
38. VEHICLE YR.												39. VEHICLE MAKE												40. MODEL												41. BODY STYLE <input type="checkbox"/>																																			
42. REGISTRATION NO.												43. STATE												44. COLOR												45. DAMAGE S												46. TRAILERS 0 1 2 3																							
47. VEHICLE/TRACTOR OWNER: LAST												FIRST												M.I.												48. STREET												CITY												STATE											
49. INSURANCE COMPANY												NUMBER												50. CHARGE/SECTION NO.												51. ARREST NO.																																			
52. NO. 3 TOWED BY:												USE THIS SPACE FOR SKETCHING DAMAGE TO TRAILERS, MOTORCYCLES, ETC.  <div style="font-size: 4em; transform: rotate(-45deg); display: inline-block;">5/18</div>												53. NO. 4 TOWED BY:																																															
TO:																								TO:																																															
																																																																							

N

FEB 02 2005

DIAGRAM OF COLLISION

PAGE \_\_\_\_ OF \_\_\_\_

☐ 60. CONTINUATION

## STATE OF DELAWARE

UNIFORM TRAFFIC

COLLISION REPORT

CONTINUATION/SUPPLEMENT

☐ 80. SUPPLEMENT

INITIAL REPORT DATE

OPERATOR #1

OPERATOR #2

COMPLAINT NUMBER

0204125713

DSP HQ. NO. (LEAVE BLANK)  
5148

CODE 55.

OP2 stated he was 113 mph in the RT turn lane when a white black SUV pulled out from the dealership lot and cut into his lane. OP2 stated he swerved left and lost control of V2. OP2 stated that he slid sideways into the rear of V1. OP2 stated the new was a black SUV and was 113 mph.

56. INVESTIGATING OFFICER

RANK

I.D. NUMBER

57. SUPERVISOR'S APPROVAL DATE

58. REVIEWER

59.

PAGE 2 OF 2

☐ 60. CONTINUATION☐ 80. SUPPLEMENT

INITIAL REPORT DATE

OPERATOR #1

OPERATOR #2

# STATE OF DELAWARE

## UNIFORM TRAFFIC

## COLLISION REPORT

## INJURY INFORMATION

TROOP/DEPARTMENT

COMPLAINT NUMBER

5148

DSP HQ. NO. (LEAVE BLANK)

1-1	61. NAME. LAST	FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS RESTR.	
62. ADDRESS															68. T & R	
63. PHONE		64. INJURIES													68. T & R	
65. EXAMINED BY DR.		66. REMOVED BY		67. REMOVED TO												68. T & A
1-2	61. NAME. LAST	FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS RESTR.	
62. ADDRESS															68. T & R	
63. PHONE		64. INJURIES													68. T & A	
65. EXAMINED BY DR.		66. REMOVED BY		67. REMOVED TO												68. T & A
1-3	61. NAME. LAST	FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS RESTR.	
62. ADDRESS															68. T & F	
63. PHONE		64. INJURIES													68. T & A	
65. EXAMINED BY DR.		66. REMOVED BY		67. REMOVED TO												68. T & A
1-4	61. NAME. LAST	FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS RESTR.	
62. ADDRESS															68. T & F	
63. PHONE		64. INJURIES													68. T & A	
65. EXAMINED BY DR.		66. REMOVED BY		67. REMOVED TO												68. T & A
1-5	61. NAME. LAST	FIRST	M.I.	69. SEX	70. AGE	71. VEH #	72. NO. IN VEH.	73. SEAT NO.	74. STATUS	75. FIRST AID	76. INJURY CLASS	77. EJECT	78-1. RE-STRNT.	78-2. RESTR. PROPR.	78-3. PASS RESTR.	
62. ADDRESS															68. T & F	
63. PHONE		64. INJURIES													68. T & A	
65. EXAMINED BY DR.		66. REMOVED BY		67. REMOVED TO												68. T & A

73. SEAT NO.	GENERAL	76. INJURY CLASS	78. RESTRAINT (CONT.)	81. IF PEDESTRIAN INVOLVED PLACE CODE IN BLOCK
<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 5px; margin-right: 10px;">           C A R  9 SW         </div> <div style="display: flex; flex-direction: column; align-items: center;"> <div style="border: 1px solid black; padding: 2px 5px;">1</div> <div style="border: 1px solid black; padding: 2px 5px;">2</div> </div> <div style="margin-left: 10px;">M/C</div> </div>	1. YES 2. NO 3. UNKNOWN 4. N/A 5. PENDING 6. NONE 7. OTHER	74. POSSIBLE INJURY 75. NON - INCAPACITATING 76. INCAPACITATING INJURY 77. FATAL INJURY 77. EJECTION 78. PARTIALLY EJECTED 79. TOTAL EJECTION 80. NO EJECTION	<b>CHILD RESTRAINTS</b> 88. CHILD RESTR. USED 89. OTHER RESTR. USED 90. NONE USED <b>MC HELMET</b> 91. NONE USED 92. USED <b>PASSIVE RESTRAINTS</b> 93. AIR BAG DEPLOYED 94. AIR BAG INOPERABLE 95. AUTO RESTR. USED 96. AUTO RESTR. INOPER.	PED # 1 <input type="text"/> PED # 2 <input type="text"/> 101. CROSSING AT INTERS. 102. CROSSING NOT AT INTER 103. WALKING WITH TRAFFIC 104. WALKING AGAINST TRAF 105. STANDING 106. PUSH OR WORK ON VEH 107. OTHER WORKING 108. PLAYING 109. OTHER (DESCRIBE)
79. POSTED SPEED LIMIT	74. STATUS	78. RESTRAINT	66. REMOVED	110. NOT IN ROW. ANY ACTIC
VEHICLE #1 _____ VEHICLE #2 _____ VEHICLE #3 _____ VEHICLE #4 _____	66. DRIVER 67. PASSENGER 68. PEDESTRIAN 69. PEDALCYCLIST 75. FIRST AID 70. POLICE 71. FIREMAN 72. AMBULANCE 73. REFUSED	LAP BELT ONLY 82. FASTENED 83. NOT FASTENED LAP & SHOULDER 84. LAP ONLY USED 85. NEITHER USED 86. SHOULDER ONLY 87. BOTH USED	97. AMBULANCE 98. PARAMEDIC 99. HELICOPTER 100. PRIV. OWNED VEH.	

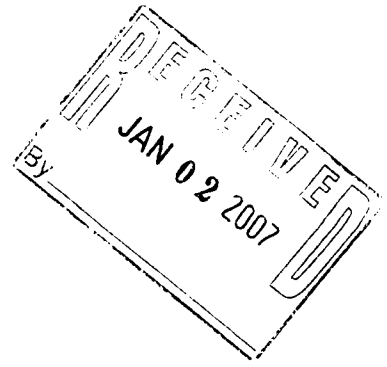
  

56. INVESTIGATING OFFICER	RANK	I.D. NUMBER	57. SUPERVISOR'S APPROVAL DATE	58. REVIEWER	59. PAGE	OF
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# **EXHIBIT D**



December 27, 2006



Chrissinger & Baumberger  
Attorneys at Law  
Suite 301  
Three Mill Road  
Wilmington, Delaware 19806

Ref: Your Clients: Mao Ian and Sui Mai  
DOL: 11/4/04  
Piotrowski v Mao Ian and Sui Mai v Hanover Insurance Company  
District Court of Delaware C.A. No. 06-631  
*Claim# 03-02946*

Dear Mr. Baumberger:

This is written in confirmation of my phone conversation with Sharon in your office.

I advised her that although Hanover is listed on the Police Report for the above loss we do not provide coverage for Richard Pitrowski.

The initial adjuster investigation this loss was able to locate a policy and claim number with Allstate. Richard Piotrowski at the time of this accident was insured by Allstate, Policy No. 901367630 and their claim number is 6643094078.

Based on this information Hanover will not be accepting service on the above referenced **matter**. Please advise if you will be voluntarily filing a stipulation of dismissal with the Court.

I look forward to hearing from you.

Very truly yours

Carolyn Davidson  
Sr. Litigation Adjuster